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EXAMINER

JERABEK, KELLY L

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/782,067	<b>Applicant(s)</b> MANOWITZ ET AL.	
	<b>Examiner</b> KELLY L. JERABEK	<b>Art Unit</b> 2622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 August 2006.  
2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-19 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments, see appeal brief, filed 8/14/2006, with respect to the rejection(s) of claim(s) 1-4 and 9-11 under 35 U.S.C. 102(e) as being anticipated by Steinberg US 2002/0041329 and the rejection(s) of claims 5-18 and 12-19 under 35 U.S.C. 103(a) as being unpatentable over Steinberg in view of Krishan et al. US 6,442,529 have been fully considered and are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Squilla et al. US 6,396,537. Appellant's arguments regarding independent claims 1, 5 and 9 state that the Steinberg reference nowhere states that actual image data (from the image sensor) is uploaded from the camera to the messaging center. The Examiner agrees that the Steinberg reference fails to disclose sending image data captured by an image sensor to a remote storage device, however the Squilla reference provides the teaching that it is well known in the digital imaging art for digital cameras to send captured image data to a remote storage device.

Squilla discloses a photographing system for enabling interactive communication between a camera and an attraction site. Squilla discloses a remote storage device (image server 70) that is capable of receiving image data that has been captured by a digital camera (24) via a wireless link (74b) (figure 2; col. 5, line 64-col. 6, line 65). In addition, Squilla states that the remote storage device (image server 70) stores content

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information and may optionally transmit content information to the digital camera (24) based on a personality file of the user of the camera (col. 6, line 51-col. 7, line 67). Thus, it can be seen that Squilla discloses a remote storage device (image server 70) for receiving image data and a digital camera (24) configured to send image data exclusively to the remote storage device (image server 70) and to receive content information exclusively from the remote storage device.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-4 and 9-11 are rejected under 103(a) as being unpatentable over Steinberg US 2002/0041329 in view of Squilla et al. US 6,396,537.**

Re claim 1, Steinberg discloses in figure 1 a system (10) including a message center (12) and a digital camera (14) capable of communicating in various ways (page, 2, paragraph 33). When the camera (14) is turned on it automatically transmits a signal to a transceiver (18) for conveying the camera identification (ID) to a remote storage

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device (message center 12) and in response the remote storage device (12) transmits messages (advertisements) that are identified for the particular camera/user back to the camera (14) (page, 2, paragraph 37). Therefore, since a camera ID is verified and message information is sent to the camera (14) corresponding to the camera ID it can be seen that message data (corresponding to the camera ID) is sent from the remote storage device (12) to the camera (14) via an exclusive connection. Although there are various ways of communication between a remote location (message center 12) and a camera (14) the communication is still solely between an exclusive and predetermined remote location (message center 12) and the camera (14) (only messages from the message center (12) will be sent to the camera). In a different scenario, an intelligent advertisement center may build a user profile for the camera based on image information from the camera such as the type of images in the camera (page 3, paragraph 39). Therefore, since the user profile is built based on captured image data (quantity of images, type of images) it can be seen that information regarding images captured by the digital camera (14) is uploaded to a predetermined remote location (message center (12)). Also, figure 1 shows that only a message center (12) connected to the network can receive the information regarding the images captured by the camera. Therefore, the data is sent exclusively to the remote storage device. However, although the Steinberg reference discloses all of the above limitations including an exclusive connection between a digital camera and a remote storage device which transmits messages (advertisements) to the digital camera, it fails to specifically state

that the digital camera is configured to send image data captured by the camera to the remote storage device.

The Squilla reference provides the teaching that it is well known in the digital imaging art for digital cameras to send captured image data to a remote storage device. Squilla discloses a photographing system for enabling interactive communication between a camera and an attraction site. Squilla discloses a remote storage device (image server 70) that is capable of receiving image data that has been captured by a digital camera (24) via a wireless link (74b) (figure 2; col. 5, line 64-col. 6, line 65). Thus, it can be seen that Squilla discloses a remote storage device (image server 70) for receiving image data and a digital camera (24) configured to send image data to the remote storage device (image server 70). It is clear from Figures 4 & 5 of Steinberg that one of the screens as provided by message center is the order of printing images from the user's camera. It would be clearly beneficial to the user of Steinberg's camera to be able to transmit images taken by the camera directly to as image sequences such as taught in Squilla so that printing could be made without requiring the user of the camera to deliver the image data in person. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Steinberg's message center with the capability to receive image data directly from the camera as taught by Squilla in order to facilitate the delivering of image data to a processing center. It would have been obvious for one skilled in the art to have been motivated to include the teaching of transmitting image data captured by a digital camera to a remote storage device as disclosed by Squilla in the camera messaging and advertisement system including a

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remote messaging center that is capable of receiving data from a camera and transmitting advertisements to the camera. Doing so would provide a means for storing images captured by a digital camera at a remote storage device in order to easily produce prints of captured images and generate customized albums of captured images (Squilla: col. 6, lines 4-19).

Re claim 2, Steinberg states that the digital camera (14) includes a sensor (digital image acquisition apparatus 88) for generating images (page 4, paragraph 52). In addition, Squilla also states that the digital camera (24) includes an image sensor (CCD 44) for forming image data (col. 4, lines 26-30).

Re claim 3, Steinberg states that the camera (14) receives advertisement messages from the message center (12) and stores them in RAM (150) (page 3, paragraph 41). The camera (14) includes a ROM (149) and RAM (150) to store image data and advertisement messages within the camera (page 4, paragraph 53).

Re claim 4, Steinberg states the camera (14) includes a display (48) for viewing image data and advertisement messages received from the message center (12) (page 4, paragraph 53; figure 2). In addition, Squilla states that the digital camera (24) includes a display (50) that displays received content information and captured image data (col. 4, lines 34-35).

Re claim 9, Steinberg discloses in figure 1 a system (10) including a message center (12) and a digital camera (14) capable of communicating in various ways (page, 2, paragraph 33). When the camera (14) is turned on it automatically transmits a signal to a transceiver (18) for conveying the camera identification (ID) to a remote storage device (message center 12) and in response the remote storage device (12) transmits messages that are identified for the particular camera/user back to the camera (14) (page, 2, paragraph 37). Therefore, since a camera ID is verified and message information is sent to the camera (14) corresponding to the camera ID it can be seen that message data (corresponding to the camera ID) is sent from the remote storage device (12) to the camera (14) via an exclusive connection. Although there are various ways of communication between a remote location (message center 12) and a camera (14) the communication is still solely between an exclusive and predetermined remote location (message center 12) and the camera (14) (only messages from the message center (12) will be sent to the camera). In a different scenario, an intelligent advertisement center may build a user profile for the camera based on image information from the camera such as the type of images in the camera (page 3, paragraph 39). Therefore, since the user profile is built based on captured image data (quantity of images, type of images) it can be seen that information regarding images captured by the digital camera (14) is uploaded to a predetermined remote location (message center (12)). Steinberg also states that the camera (14) receives advertisement messages from the message center (12) and stores them in RAM (150)



(page 3, paragraph 41). Therefore, advertising data is downloaded from the predetermined remote location (message center (12)) to the digital camera (14). The camera (14) also includes a display (48) for displaying advertisement messages received from the message center (12) (page 4, paragraph 53; figure 2). In addition, figure 1 shows that only a message center (12) connected to the network can receive the information regarding the images captured by the camera. Therefore, the data is sent exclusively to the remote storage device. However, although the Steinberg reference discloses all of the above limitations including an exclusive connection between a digital camera and a remote storage device which transmits messages (advertisements) to the digital camera, it fails to specifically state that the digital camera is configured to send image data captured by the image sensor of the camera to the remote storage device.

The Squilla reference provides the teaching that it is well known in the digital imaging art for digital cameras to send captured image data to a remote storage device. Squilla discloses a photographing system for enabling interactive communication between a camera and an attraction site. Squilla discloses a remote storage device (image server 70) that is capable of receiving image data that has been captured by a digital camera (24) via a wireless link (74b) (figure 2; col. 5, line 64-col. 6, line 65). Thus, it can be seen that Squilla discloses a remote storage device (image server 70) for receiving image data and a digital camera (24) configured to send image data to the remote storage device (image server 70). It is clear from Figures 4 & 5 of Steinberg that one of the screens as provided by message center is the order of printing images from

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the user's camera. It would be clearly beneficial to the user of Steinberg's camera to be able to transmit images taken by the camera directly to as image sequences such as taught in Squilla so that printing could be made without requiring the user of the camera to deliver the image data in person. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Steinberg's message center with the capability to receive image data directly from the camera as taught by Squilla in order to facilitate the delivering of image data to a processing center. It would have been obvious for one skilled in the art to have been motivated to include the teaching of transmitting image data captured by a digital camera to a remote storage device as disclosed by Squilla in the camera messaging and advertisement system including a remote messaging center that is capable of receiving data from a camera and transmitting advertisements to the camera. Doing so would provide a means for storing images captured by a digital camera at a remote storage device in order to easily produce prints of captured images and generate customized albums of captured images (Squilla: col. 6, lines 4-19).

Re claim 10, Steinberg states that the digital camera (14) includes a sensor (digital image acquisition apparatus 88) for generating images (page 4, paragraph 52). In addition, Squilla also states that the digital camera (24) includes an image sensor (CCD 44) for forming image data (col. 4, lines 26-30).

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Re claim 11, Steinberg states when the camera (14) is turned on it **automatically** transmits a signal to a transceiver (18) for conveying the camera identification to the message center (12) (page, 2, paragraph 37). Steinberg also states that the camera (14) receives advertisement messages from the message center (12) and stores them in RAM (150) (page 3, paragraph 41). Therefore, advertising data is downloaded from the predetermined remote location (message center (12)) to the digital camera (14). In addition, Squilla states that image data that has been captured by a digital camera (24) is transmitted to image server (70) via a wireless link (74b) when the camera (24) is in the wireless communication range of the image server (70) (figure 2; col. 5, line 64-col. 6, line 65). Thus, it can be seen that the wireless interface disclosed by Squilla is configured to automatically connect with the remote location (image server 70) when the camera (24) is in the wireless communication range of the server (70).

**Claims 5-8 and 12-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg US 2002/0041329 in view of Squilla et al. US 6,396,537 and further in view of Krishan et al. US 6,442,529.**

Re claim 5, Steinberg discloses in figure 1 a method of communicating between a message center (12) and a digital camera (14) capable of communicating in various ways (page, 2, paragraph 33). When the camera (14) is turned on it automatically

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transmits a signal to a transceiver (18) for conveying the camera identification (ID) to a remote storage device (message center 12) and in response the remote storage device (12) transmits messages that are identified for the particular camera/user back to the camera (14) (page, 2, paragraph 37). Therefore, since a camera ID is verified and message information is sent to the camera (14) corresponding to the camera ID it can be seen that message data (corresponding to the camera ID) is sent from the remote storage device (12) to the camera (14) via an exclusive connection. Although there are various ways of communication between a remote location (message center 12) and a camera (14) the communication is still solely between an exclusive and predetermined remote location (message center 12) and the camera (14) (only messages from the message center (12) will be sent to the camera). In a different scenario, an intelligent advertisement center may build a user profile for the camera based on image information from the camera such as the type of images in the camera (page 3, paragraph 39). As disclosed above the communication is still solely between an exclusive and predetermined remote location (message center 12) and the camera (14) (image data from the camera (14) will only be sent to message center (12)). Therefore, since the user profile is built based on captured image data (quantity of images, type of images) it can be seen that information regarding images captured by the digital camera (14) is uploaded to a predetermined remote location (message center (12)). Steinberg also states that the camera (14) receives advertisement messages from the message center (12) and stores them in RAM (150) (page 3, paragraph 41). Therefore, advertising data is downloaded from the predetermined remote location (message

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center (12)) to the digital camera (14). The camera (14) also includes a display (48) for displaying advertisement messages received from the message center (12) (page 4, paragraph 53; figure 2). In addition, figure 1 shows that only a message center (12) connected to the network can receive the information regarding the images captured by the camera. Therefore, the data is sent exclusively to the remote storage device. However, although the Steinberg reference discloses all of the above limitations including an exclusive connection between a digital camera and a remote storage device which transmits messages (advertisements) to the digital camera, it fails to specifically state that the digital camera is configured to send image data captured by the image sensor of the camera to the remote storage device.

The Squilla reference provides the teaching that it is well known in the digital imaging art for digital cameras to send captured image data to a remote storage device. Squilla discloses a photographing system for enabling interactive communication between a camera and an attraction site. Squilla discloses a remote storage device (image server 70) that is capable of receiving image data that has been captured by a digital camera (24) via a wireless link (74b) (figure 2; col. 5, line 64-col. 6, line 65). Thus, it can be seen that Squilla discloses a remote storage device (image server 70) for receiving image data and a digital camera (24) configured to send image data to the remote storage device (image server 70). It is clear from Figures 4 & 5 of Steinberg that one of the screens as provided by message center is the order of printing images from the user's camera. It would be clearly beneficial to the user of Steinberg's camera to be able to transmit images taken by the camera directly to as image sequences such as

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taught in Squilla so that printing could be made without requiring the user of the camera to deliver the image data in person. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Steinberg's message center with the capability to receive image data directly from the camera as taught by Squilla in order to facilitate the delivering of image data to a processing center. It would have been obvious for one skilled in the art to have been motivated to include the teaching of transmitting image data captured by a digital camera to a remote storage device as disclosed by Squilla in the camera messaging and advertisement system including a remote messaging center that is capable of receiving data from a camera and transmitting advertisements to the camera. Doing so would provide a means for storing images captured by a digital camera at a remote storage device in order to easily produce prints of captured images and generate customized albums of captured images (Squilla: col. 6, lines 4-19).

Although the combination of the Steinberg and Squilla references discloses all of the above limitations, it fails to distinctly state that the digital camera is unable to exchange electronic information with any electronic devices except for the exclusive and predetermined location.

Krishan discloses a method for delivering targeted information over the internet. Krishan states that an advertiser (ISP 24) may pay a distributor (portal provider 20) based on the number of ads downloaded and displayed by a mini-portal and viewed by users (22) col. 6, lines 19-27). Krishan further states that users (22) may receive the hardware (modem) of a mini-portal for free in return for viewing messages and may

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receive free or discounted access to the Internet from ISP (24) (col. 6, lines 35-64).

Krishan also states that validation stamps are sent by an exclusive and predetermined location (ISP 24) to the mini-portals so that the mini-portals will only function upon receiving a validation stamp from the portal provider (20) (col. 8, line 53-col. 9, line 21).

Thus it can be seen that advertising data is downloaded solely from an exclusive and predetermined remote location (ISP 24) to a device (mini-portal of computer) for displaying advertisements. **It can be seen in figure 4 that the personal computer (50) including a mini-portal (51) is only capable to connect to the Internet via ISP (52) (col. 12, lines 18-30). Therefore, the personal computer (50) is incapable of communicating with any external device other than the exclusive and remote location (ISP 52). Although the computer (50) is capable of connecting to validation server (53), advertisement server (54), statistics server (55) and content server (56) via the remote location (ISP 52) this does not mean that the computer is capable of communicating with external devices other than the exclusive remote location. The computer (50) may only be connected to the exclusive remote location (ISP 52). Any subsequent communication between the exclusive remote location (ISP 52) and any other device does not constitute a direct connection to the computer (50).** Therefore, it would have been obvious for one skilled in the art to have been motivated to implement the business method of an advertiser paying a distributor based on the number of ads viewed by a user and providing a device to a user for a reduced rate, the device only being able to transmit and receive data from an exclusive location (ISP) as disclosed by Krishan in the camera

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capable of downloading advertisements from a messaging center as disclosed by the combination of Steinberg and Squilla. Doing so would provide a means for delivering advertising over a wireless connection and providing subsidized hardware in exchange for receiving advertising (Krishan: col. 1, lines 14-20).

Re claims 6 and 7, Krishan discloses a method for delivering targeted information over the internet. Krishan states that an advertiser (ISP 24) may pay a distributor (portal provider 20) based on the number of ads downloaded and displayed by a mini-portal and viewed by users (22) col. 6, lines 19-27). Krishan also states that the distributor (portal provider 20) may sell the mini-portal (modem) at a reduced price or provide it for free based on the advertising data downloaded by the mini-portal (col. 6, lines 49-65).

Re claim 8, figure 1 of the Steinberg reference shows that only an intelligent advertisement center (message center 12) connected to the network can receive the image information and build a user profile (page 3, paragraph 39). Therefore, uploading the image data occurs only at the predetermined remote location (message center 12).

Re claim 12, Krishan states that validation stamps are sent by an exclusive and predetermined location (portal provider 20 via ISP) to the mini-portals so that the mini-portals will only function upon receiving a validation stamp from the portal provider (20) (col. 8, line 53-col. 9, line 21).



Re claim 13, Krishan states that a distributor (portal provider 20) of mini-portals implements the functional characteristics (uploading, downloading, and displaying) of the mini-portals and also the portal provider (20) pushes advertising data to the mini-portals, the mini-portals display advertising data in an automatic manner, and a user (22) of the mini-portals is unable to prevent the displaying of the advertisements (col. 6, lines 49-67; col. 8, lines 60-65).

Re claim 14, Krishan states that the portal provider (20) distributes the mini-portals and administers and maintains an exclusive and predetermined remote location (ISP) from which advertising data is downloaded (col. 6, lines 49-64).

Re claims 15 and 16, Steinberg states that an intelligent advertisement center may build a user profile based on information (uploading information) such as quantity of images taken, type of images, etc. in order to determine a class of interest (page 3 paragraph 39). Steinberg also states that advertising information is downloaded by a camera (14). Similarly, Krishan states that a portal provider (20) may push advertisements to a mini-portal and also obtain information from the computers of the users (22) in response to the advertisements that are sent using the mini-portals (col. 7, lines 17-64). Thus it can be seen that Krishan discloses a method involving a combined download/upload request (push advertisements and obtain information from users). Krishan also states that validation stamps are periodically sent by the portal provider

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(20) to the mini-portals in order to enable the mini-portals (col. 9, lines 1-67). Thus it can be seen that the download/upload request occurs at regular intervals according to the validation stamps sent by the portal provider (20).

Re claims 17 and 18, Krishan discloses a method for delivering targeted information over the internet. Krishan states that an advertiser (ISP 24) may pay a distributor (portal provider 20) based on the number of ads downloaded and displayed by a mini-portal and viewed by users (22) col. 6, lines 19-27). Krishan also states that the distributor (portal provider 20) may sell the mini-portal (modem) at a reduced price or provide it for free based on the advertising data downloaded by the mini-portal (col. 6, lines 49-65).

Re claim 19, Steinberg states that downloading of advertising data is triggered by uploading image data (pages 2-3, paragraphs 38-39).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Gindele et al. (US 6,785,421) discloses a method of analyzing images to determine if one or more sets of materials correspond to the analyzed images. The information regarding analyzing one or more images of a user to determine the likelihood of user interest in materials that can be sent for display is relevant material.

### ***Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is **(571) 272-7312**. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached at **(571) 272-7372**. The fax phone number for submitting all Official communications is **(571) 273-7300**. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at **(571) 273-7312**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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